
Appeal Decision

Site visit made on 14 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/Q5300/W/21/3289844

Land adjacent to 65 Northern Avenue, Edmonton N9 9QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Savas Tanis against the decision of the London Borough of Enfield.
 - The application Ref 21/00607/FUL, dated 17 February 2021, was refused by notice dated 29 June 2021.
 - The development proposed is described as a new build 3 bedroom house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision notice was issued by the Council the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered and I will therefore reference the revised version in my decision.

Main Issues

3. The main issues in this appeal are whether the proposed development would: -
 - affect the character and appearance of the surrounding area; and
 - affect the living conditions of the occupants of 65 Northern Avenue in relation to light and outlook.

Reasons

Character and appearance

4. Northern Avenue is an urban residential street characterised by 2-storey semi-detached dwellings of a similar vernacular and style. The pairs of dwellings are positioned along a defined building line set back behind front gardens and / or off road parking areas. The properties are relatively close together and there is a regular cadence to the space between each pair strongly characterising the street scene. Road corners and junctions are generally defined by pairs of dwellings angled toward them. 65 Northern Avenue is part of a junction facing pair and has a two storey side extension.
5. There are several examples within the area of new dwellings, detached and semi-detached, built on plots of land to the side of junction facing semi-

detached pairs. Broadly the proposal is similar in design and outdoor space provision as these dwellings.

6. The proposed dwelling would be positioned forward of the build line created by the properties to the west, protruding out toward the road. This would create a break in an otherwise uniform street scene, harming its appearance. The proposed proximity of the proposal to the side elevation of No 65 fails to provide an adequate separation gap. This would harm the regular pattern of space between buildings which is a defining part of the area's character and appearance, especially above ground floor level.
7. The awkwardness of the proposal is further emphasised by the wraparound single storey elements of the new dwelling. There are numerous examples of single storey extensions to the simple rectilinear form of existing properties in the area. However, in general, they do not wrap the corners of the host dwelling. Consequently, the layout of the development as a result of the proposed single storey elements would be incongruous and uncharacteristic of the area's relatively uniform appearance.
8. The constraints of the appeal site mean the proposed dwelling would appear contrived in relation to other examples of infill dwellings nearby and would significantly harm the character and appearance of the surrounding area. It would not comply with Enfield Council's Development Management Document (2014) (DMD) Policies DMD6, DMD7 and DMD37, Enfield Council's Core Strategy (2010) (CS) Policies CP4 and CP30, London Plan (2021) Policies GG1, GG2, D3, D4, and H2, and paragraph 130 of the Framework insofar as they relate to character and appearance.
9. DMD Policy DMD38 and CS Policy CP2 are specified in the reasons for refusal, but I have not referred to them. This is because Policy DMD38 requires the submission of a design and access statement at application stage. In the evidence before me this appears to have been done. Policy CP2 relates to housing provision and not character and appearance.

Living conditions

10. 65 Northern Avenue has ground and first floor windows front and back, and one first floor side facing window. Its rear elevation and rear garden are south-west facing. The proposed new dwelling would be setback from No 65's front elevation but would extend beyond its rear elevation.
11. The light to and outlook from the retained part of the rear garden of No 65 and the rear facing windows in the original part of that property would be unaffected due to the orientation of the plot and the length of the existing side extension. The upper part of the proposed new dwelling would also be set back sufficiently as to not impact the upper rear facing window in No 65's extension.
12. However, the ground floor of the proposed dwelling would extend significantly in front of the rear facing ground floor window in No 65's extension. The appellant has confirmed this is the kitchen window. To that effect, the proximity and location of the proposed dwelling will likely constrain light throughout the day into the kitchen, a regularly used and important part of any home. The location of the proposed dwelling and the proximity of the proposed boundary fence would also enclose and shorten the otherwise open outlook

from No 65's kitchen window. Therefore, the proposal would have a harmful effect on the light and outlook for the occupants of No 65.

13. The appellant has confirmed their ownership of No 65, however paragraph 130 of the Framework states that development should provide a high standard of amenity for future as well as existing occupants.
14. The proposal would therefore harm the living conditions of the occupants of 65 Northern Avenue in relation to light and outlook. This would be contrary to DMD Policies DMD10 and DMD37, CS Policy CP30, London Plan Policies GG1, GG2 and H2, and paragraph 130 of the Framework insofar as they relate to living conditions of existing nearby occupants.
15. The Council have again included several policies within its reason for refusal which are not directly relatable. These are DMD Policies DMD6, DMD9 and DMD11, which relate to residential character, amenity space provision, and rear extensions to existing residential dwellings; and CS Policy CP4 which relates to construction design.

Other Matters

16. The benefit of one additional dwelling to the local housing stock is noted and can be given limited weight. However, this does not outweigh the significant harm found to the character and appearance of the area and the harm to the living conditions of the occupants of No 65.
17. The compliance with gross internal area and external amenity space standards, and lack of harm on living conditions of any future occupants of the proposed new dwelling and the occupants of 67 Northern Avenue are neutral factors and do not mediate the identified harm.

Conclusion

18. The appeal scheme would conflict with the development plan as a whole, for the reasons given above. There are no sufficiently weighted material considerations, including the approach in the Framework, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR